

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:21-cv-00061-M

TONYA BARBER,)	
)	
Plaintiff,)	
)	
v.)	
)	DEFENDANT'S MOTION FOR
COASTAL HORIZONS CENTER,)	PARTIAL SUMMARY JUDGMENT
INC.,)	
)	
Defendant.)	
_____)	

Defendant Coastal Horizons Center, Inc. ("CHC"), by and through the undersigned counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, submits this motion for partial summary judgment, and moves this Court for an Order entering summary judgment on all of Plaintiff's retaliatory termination claims as well as a determination that CHC is entitled to its attorneys' fees incurred in prosecuting its counterclaims.

In support of this motion, CHC states as follows:

(1) Plaintiff's claims that her termination from employment with CHC was retaliatory in violation of the Federal False Claims Act, the NC False Claims Act, the FLSA, the NC Wage and Hour Act, the North Carolina Retaliatory Employment Discrimination Act, and North Carolina Public Policy all fail because CHC terminated Plaintiff solely as a result of her sending the January 13, 2021, email disparaging Controller Jenifer Burns, which is a legitimate, nonretaliatory reason for termination.

(2) With regard to CHC's counterclaims premised upon Plaintiff's embezzlement of CHC property, CHC has already prevailed on those claims as a result of this Court sanctioning Plaintiff and entering default against her. CHC is entitled to summary judgment in its favor on its counterclaim for attorneys' fees pursuant to N.C.G.S. § 1-538.2.

In addition, CHC relies on the concurrently filed Memorandum of Law in Support of Defendant's Motion for Partial Summary Judgment, Defendant's Statement of Material Facts in support of Summary Judgment, as well as the Appendix to the Statement of Material Facts with deposition excerpts, declarations and exhibits attached.

WHEREFORE, Defendant Coastal Horizons Center, Inc. prays that summary judgment be granted in its favor pursuant to Federal Rule of Civil Procedure 56.

Respectfully submitted, this, the 30th day of August, 2023.

CRANFILL SUMNER LLP

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing MOTION FOR PARTIAL SUMMARY JUDGMENT with the Clerk of Court using the CM/ECF system, which will send a copy to all counsel as follows:

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This the 30th day of August, 2023.

CRANFILL SUMNER LLP

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